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| 10/780,625 | 02/19/2004 | Kia Silverbrook | BAL78US | 2767 |
| 24011 7590 10/30/2009 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA | | | | |
| EXAMINER AGGARWAL, YOGESH K | | | | |
| ART UNIT 2622 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/780,625

Applicant(s)

SILVERBROOK, KIA

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations "a card having printed on a surface thereof a plurality of image manipulation instructions" are not found in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (US Patent # 6,201,571) in view of Bernardi et al. (US Patent # 5,692,225).

[Claim 1]

Ota teaches a method of image enhancement of a sensed image taken with a digital camera, including an auto exposure setting means, said method comprising the step of utilizing the auto exposure setting from said auto exposure setting means to process said sensed image to add exposure specific graphics to said image which indicate the exposure settings utilized by the digital camera in taking the sensed image (col. 5, lines 9-20; col. 5, line 61 – col. 7, line 11; Fig. 4; col. 8, l. 6- col. 9, l. 25; Fig. 5, The reduced image is considered a sensed image since it has the same subject matter and just a smaller version of it. Therefore the exposure graphics are added to the sensed reduced image since reduced image is part of the sensed image being of the same subject matter and only a smaller version of it). Ota fails to teach a decorative clip art being added to the image. However Bernardi teaches that the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. The special card 60 is forwarded with the film strip and cartridge to the photofinisher, where the card 60 is put into the optical character recognition unit and scanned. The scanned message is converted to a format that can be printed, and the printer 43 prints the message as described above. It would be obvious to one skilled in the art to print any kind of messages or data containing clip art onto the image depending upon the desire of the user since Bernardi clearly teaches that the user hand writes the messages onto the memory card (col. 10 lines 12-43, figure 8). Therefore taking the combined teachings of Ota and Bernardi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have any kind of decorative clip art, messages be

printed on the memory card and to be annotating on the image so that the retrieval, recognition of words and printing of word annotation on the associated print be carried out (col. 4 lines 23-26).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (US Patent # 6,201,571) in view of The All-Digital Camcorder- The Arrival of Electronic Cinematography (Laurence Thorpe et al.) and further in view of Bernardi et al. (US Patent # 5,692,225).

[Claim 2]

Ota teaches a method of processing a sensed image taken with a digital camera, the method comprising the steps of executing one or more of the image manipulation instructions in accordance with an auto exposure setting of the camera to add exposure specific decorative graphics to said image (col. 5, lines 9-20; col. 5, line 61 – col. 7, line 11; Fig. 4; col. 8, l. 6- col. 9, l. 25; Fig. 5). Ota fails to teach a method of inserting into the digital camera a card having printed on a surface thereof a plurality of image manipulation instructions; reading the card to determine the image manipulation instructions. However Thorpe teaches a camera wherein a setup card (memory card as shown in figure 15) is used to store particular shooting experiences to achieve a particular look sought by the photographer. This card is inserted into multiple cameras so that a particular look can be instantly and precisely customized to a desired imagery merely by substituting the memory card into a camera (See Pages 22-24, figures 13-16). The camera functions as explained in figure 13 are image control operation, technical alignment including camera set up etc. Therefore taking the combined teachings of Ota and Thorpe, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have of inserting into the digital camera a card having printed on a surface thereof a plurality of image manipulation instructions; reading the card to determine the image manipulation

instructions so that a particular look can be instantly and precisely customized to a desired imagery merely by substituting the memory card into a camera (See Pages 22-24, figures 13-16).

Ota in view of Thorpe fails to teach printing on the memory card. However Bernardi teaches that the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. The special card 60 is forwarded with the film strip and cartridge to the photofinisher, where the card 60 is put into the optical character recognition unit and scanned. The scanned message is converted to a format that can be printed, and the printer 43 prints the message as described above. It would be obvious to one skilled in the art to print any kind of messages or image manipulation instructions onto the memory card depending upon the desire of the user since Bernardi clearly teaches that the user hand writes the messages onto the memory card (col. 10 lines 12-43, figure 8). Therefore taking the combined teachings of Ota, Thorpe and Bernardi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have any image manipulation instructions as taught in Thorpe be printed on the memory card as taught in Bernardi so that the retrieval, recognition of words and printing of word annotation on the associated print be carried out (col. 4 lines 23-26)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Examiner, Art Unit 2622